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Committee on the Elimination of Discrimination against Women
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Summary record of the 1504th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 5 July 2017, at 10 a.m.

Chair: Ms. Leinarte

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined sixth and seventh periodic reports of Thailand (CEDAW/C/THA/6-7; CEDAW/C/THA/Q/6-7 and Add.1)

Articles 1 to 6

1. *At the invitation of the Chair, the delegation of Thailand took places at the Committee table.*

2. **Ms. Setthakorn** (Thailand), introducing the combined sixth and seventh periodic reports of Thailand, said that ensuring women's rights was key to fostering socioeconomic growth and sustainable development. A number of developments had occurred during the reporting period to promote and protect women's rights. For example, the reservation to article 16 of the Convention, on marriage and family relations, had been withdrawn in 2012. The new Constitution, which had entered into force in April 2017, gave priority to mainstreaming gender perspectives into policymaking and stipulated that all Government agencies must adopt gender-responsive budgeting and provide equal treatment and protection for women, children, older persons and persons with disabilities. The Criminal Code had been revised to criminalize marital rape. Many laws had been introduced to eliminate gender-based discrimination, such as the Gender Equality Act — the first anti-discrimination law in Thailand to cover sexual expression — and others aimed at combating violence against women, teenage pregnancy and trafficking in persons. The Government had ratified the International Labour Organization Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

3. The National Committee on the Policy and Strategy for the Advancement of Women was the primary policymaking mechanism relating to gender equality. Its mandate included updating the National Women's Development Plan; and the current draft took into consideration the Convention and the Sustainable Development Goals. All national plans on human rights provided for special protection for women. The Department of Women's Affairs and Family Development had been established in 2015 to fight for women's empowerment and gender equality.

4. At the regional level, the Government had pressed ahead with the Regional Plan of Action on the Elimination of Violence against Women of the Association of Southeast Asian Nations that had been adopted in 2015. At the international level, the Prime Minister had pledged to promote gender-sensitive education, the collection of sex-disaggregated data and gender-based budgeting at the Global Leaders' Meeting on Gender Equality and Women's Empowerment in 2015.

5. Many challenges remained to be addressed, such as protecting migrant women and combating stereotypes. The Government was working to change perceptions in order to truly foster gender equality. To that end, the Government would work collaboratively with its partners and civil society organizations.

6. **Ms. Manalo**, noting the significant achievements in the country with regard to women's rights, said that, since March 2014, Thailand had been ruled by a military junta, composed exclusively of men who had appointed the Members of Parliament. It appeared, therefore, that there was no participatory democracy. The report covered the period 2003-2010 and the footnotes referred to developments only up to 2015, when the report had been submitted. She would welcome clarification of section 27 of the 2017 Constitution, which prohibited unjust discrimination, noting that discrimination was inherently unjust. It was not clear why the 2017 Constitution omitted references to international obligations. She wondered why the status of the National Human Rights Commission had been downgraded in 2015 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions and what had been done to remedy that situation. Given that it was still illegal to defame, insult or threaten the king and other members of the royal family under section 112 of the Criminal Code, concerning lese-majesty, and that the section was increasingly invoked by military courts, which imposed severe punishments, she wished to

know what role was played by the civil courts in protecting people's human rights. She asked what protections were afforded to Muslim women in the southern border provinces under the Constitution.

7. **Mr. Pukditanakul** (Thailand) said that the term "unjust discrimination" under the Constitution referred to prejudicial treatment of different categories of people as opposed to discrimination involving the special treatment of a particular group of people for the purpose of eliminating obstacles to people's ability to exercise their rights and liberties.

8. While the civil courts did not deal with human rights cases, the Constitutional Court could invoke section 3, paragraph 2, of the Constitution to uphold human rights. The Court had, on different occasions, mentioned that the rule of law, as laid down in section 3, paragraph 2, entailed the concepts of international obligations and human rights.

9. With regard to the application of the Constitution in the southern border provinces, while no relevant case had come before the Court, owing to the Court's limited jurisdiction and the narrow channels for the submission of cases to the Court, the rule of law and principle of gender equality fully applied to those provinces.

10. **Ms. Vichit-Vadakan** (Thailand) said that the status of the National Human Rights Commission had been downgraded, because the selection process for commissioners had not been sufficiently transparent, the composition of the national institution had not been broadly representative, and the Commission's report had not been submitted in a timely manner. Subsequently, a bill had been drafted to ensure the independence of the Commission. The bill laid down the selection criteria to include additional civil society representatives, academics and medical professionals. The term of office of the current members would end upon adoption of the law. The bill was currently before the parliament and was expected to be passed shortly. The role of the National Human Rights Commission would also be strengthened, which would entail empowering it to bring cases on behalf of victims directly and raise public awareness about human rights. All the Commission's reports would be made available to the public.

11. **Mr. Boonrach** (Thailand) said that the Constitution expressly provided for the protection of the human dignity of all persons. Freedom of religion was protected by law and women and girls were free to choose between religious and secular schools. Programmes had been developed to help women to take a more active role in public life. A fund for women's empowerment had also been set up to expand women's employment opportunities.

12. **Ms. Schulz** asked what preventive measures were taken to protect women human rights defenders, particularly against cyberbullying involving death threats, and to stop the police and judiciary from invoking grounds of State security in prosecutions of women human rights defenders. She asked whether there were plans to improve the witness protection programme for victims of human trafficking. She wondered how the Government planned to address the reported harassment and intimidation by judicial officials of women human rights defenders and their lack of access to independent and impartial justice and protections against reprisals. It would be interesting to learn what remedies for crimes committed against them were available and how cases involving threats and acts of violence against them were investigated and prosecuted. Further information on the measures taken to ensure their safety would be useful. She asked what the State party was doing to ensure that the Gender Equality Act did not leave scope for unjust discrimination by allowing for exemptions from non-discrimination for reasons of religious principles or national security.

13. **Ms. Hayashi**, while welcoming the withdrawal of the reservation to article 16 of the Convention, said that she wondered what obstacles stood in the way of withdrawing the reservation to article 29 (1), concerning disputes with other States parties over the interpretation or application of the Convention. She also wished to know whether the provisions of the Convention were directly applicable by the courts and, if so, whether examples of any case law or legal precedents could be provided.

14. **Ms. Manalo** said that she would be grateful for an update on whether certain legislation, such as the Protection for Victims of Domestic Violence Act, had now been

harmonized with the Convention. In particular, she wished to know what progress had been made to amend or repeal section 277 of the Criminal Code, which permitted a man who had had sexual relations with a girl of between 13 and 15 years of age to escape prosecution by marrying her.

15. In the light of reports suggesting that the Gender Equality Act of 2015 was not consistently implemented, she wished to know what specific role was played by the Gender Equality Promotion Committee, whether there were plans to strengthen its work and what measures had been taken to ensure that the Gender Equality Promotion Fund had sufficient financial resources. Regarding section 17 of the Act, it would also be helpful to know why it was considered necessary to permit discrimination against women on the grounds of religious principles or national security and how the concept of national security had been defined while ensuring that women's human rights were still protected.

16. **Ms. Chotikajan Tang** (Thailand) said that the Government was fully aware of its duty to ensure that human rights defenders and lawyers could carry out their work in a safe environment. For that purpose, and in collaboration with civil society partners and the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Southeast Asia in Bangkok, a handbook on protecting human rights defenders had been developed. The handbook was a first step and more work needed to be done, such as arriving at a definition of human rights defenders and determining the types of protection they needed when working in the field. In addition, human rights defenders had been included as a specific target group in the draft fourth national human rights plan.

17. Following the withdrawal of the reservation to article 16 of the Convention, which had been achieved thanks to the concerted efforts of the Government and a comprehensive assessment and revision of the relevant legislation, the last remaining reservation was to article 29 (1). That reservation would be maintained, just as reservations to similar provisions of other international treaties to which the county was a party had, since the Government wished to reserve the right to decide whether to accept the compulsory jurisdiction of the International Court of Justice in contentious cases. Lastly, Thailand had a dualist legal system, which meant that international conventions ratified by Thailand first had to be transposed into domestic law before their provisions could be applied by the courts. The process of reviewing the existing legislation in order to identify areas where amendments or new legislation were required to fully implement the Convention was ongoing.

18. **Ms. Sirivejchapun** (Thailand) said that the introduction of the Gender Equality Act in 2015 had represented a major step forward for Thailand. That said, it was still a new piece of legislation and time would tell if amendments were needed. The Act was to be reviewed every five years; thus, it was possible that section 17 of the Act would be amended in the future. It was important to note, however, that the exemptions provided for in section 17 were intended to be interpreted and applied narrowly and in conjunction with existing religious principles and national security concerns. Moreover, the Act also contained a complaints mechanism to which persons who considered that they had been victims of gender discrimination could turn.

19. **Ms. Vichit-Vadakan** (Thailand) said that while, admittedly, the Women's Empowerment Fund had initially been mismanaged, improved management processes and procedures were now in place. Consequently, funds were being distributed much more effectively. Eighty per cent of the Fund was given over to providing loans to women and women's groups to set up income-generating activities and promote economic independence; the remainder was allocated to empowerment projects.

20. It was worth pointing out that the English translation of the Constitution of 2017 was not the authoritative version; as such, certain provisions might not be quite clear. For example, section 27 of the Constitution, on discrimination, was intended to establish the concept of temporary special measures. In so doing, special assistance could be provided in the future to disadvantaged persons without it being considered as a form of discrimination.

21. **Mr. Suadsong** (Thailand) said that, regarding acts of violence committed against women human rights defenders, any and all complaints filed with the police were duly

investigated and the necessary evidence collected. Offenders were duly tried and punished by the courts in accordance with Thai law.

22. **Ms. Paopramot** (Thailand) said that proposals to section 227 of the Criminal Code were currently being reviewed with the aim of harmonizing that provision, as well as other pieces of legislation, with the international conventions to which the country was a party.

23. Various measures and mechanisms were in place in order to ensure the effective implementation of the Gender Equality Act. For example, pursuant to section 5 of the Act, a Gender Equality Promotion Committee had been established with a remit to formulate policy and action plans to promote gender equality, carry out awareness-raising activities and commission studies on gender discrimination. Similarly, under section 31, a Committee had been established to administer the Gender Equality Promotion Fund and approve compensation for victims of discrimination.

24. **Ms. Manalo** said she wondered whether the fact that part of the State party's national machinery for the advancement of women had been transferred from the Office of the Prime Minister to the Ministry of Social Development and Human Security had deprived it of its prestige, visibility and strength. She wished to know whether the Government had undertaken an in-depth study of that machinery to identify to what extent it was effectively implementing the provisions of the Convention and pinpoint areas for improvement. Lastly, she asked how the State party ensured smooth coordination between the various entities working to promote the advancement of women and implement the Convention and the Gender Equality Act.

25. **Ms. Vichit-Vadakan** (Thailand) said that, as part of the Ministry of Social Development and Human Security, the Office of Women's Affairs and Family Development was now a fully fledged government department with a larger budget, workforce and mandate than had been the case when it had reported to the Prime Minister. As such, it was now better positioned to promote gender equality issues by carrying out awareness-raising activities and holding workshops to disseminate the Convention more widely. The introduction of chief gender equality officers and focal points in government ministries would further help the new Department bring about the change in attitudes required to achieve substantive gender equality.

26. **Ms. Manalo**, referring to the Women's Empowerment Fund, said that she wished to know what safeguards were in place to ensure that funding was not subject to overly bureaucratic procedures or corruption that could impede women's access to those resources.

27. **Ms. Vichit-Vadakan** (Thailand) said that the current Government was committed to stamping out corruption and had introduced legislation to that end. Moreover, in the light of the previous mismanagement of the Women's Empowerment Fund, a special unit had been established to manage the Fund and fail-safes were in place to prevent such problems from recurring. Processes were also being streamlined; in fact, responsibility for the Fund's decision-making processes now lay with women's groups themselves, thus eliminating unnecessary bureaucracy. As a result, funding was now being steadily disbursed.

28. Although no specific study had yet been undertaken regarding the effectiveness of the national machinery for the advancement of women in implementing the Convention, the Department of Women's Affairs and Family Development was assessed annually to see how well it had met its key performance indicators.

29. **Ms. Paopramot** (Thailand) added that, as part of efforts to assess and support the implementation of the Convention by the Department of Women's Affairs and Family Development, a number of inter-agency working groups covering various cross-cutting and thematic areas related to the Convention had been established.

30. **Mr. Wongkraisrithong** (Thailand) said that, regarding the Women's Empowerment Fund, anti-corruption measures included the active involvement of rural women and women's groups in the disbursement process. As a result, some US$ 85 million in funding had been distributed in the previous year. What was more, since the new process had been introduced very few complaints had been received.

31. **Ms. Nadaraia** said that, while she welcomed the introduction by the State party of a specific constitutional provision on the use of temporary special measures, she found it regrettable that, in practice, that provision had so far had little effect. In the political sphere, for example, efforts to set quotas for members of local government units at the sub-district (*tambon*) level with a view to achieving gender parity had failed. She wondered whether there were any prospects for such quotas to be reconsidered.

32. She wished to know what temporary special measures had been taken to promote women's social and economic participation. She wondered whether any training had been provided to familiarize public officials with the concept of temporary special measures and the many ways in which they could be used, in line with article 4 (1) of the Convention and general recommendation No. 25 on temporary special measures. She asked whether any temporary special measures were in place in fields in which women were particularly underrepresented, disadvantaged or faced significant discrimination, whether there were plans to promote policies aimed at transforming unequal gender relations and whether the Government envisaged extending the use of temporary special measures to include vulnerable groups, such as women with disabilities, rural women and indigenous women.

33. **Mr. Wannamethee** (Thailand) said that the diplomatic service adhered to the principle of non-discrimination in respect of the recruitment, assignment and promotion of staff members.

34. **Ms. Nadaraia** said that the Committee would welcome information on any temporary special measures that the State party had taken to accelerate progress towards the equal representation of men and women in the political, economic, educational and social spheres.

35. **Ms. Vichit-Vadakan** (Thailand) said that there was no disparity between the participation of men and women in the area of education. In fact, more women than men students were studying at the tertiary level. Women participated in the formal and informal sectors of the economy. In the private sector, women occupied over 40 per cent of middle management positions but were underrepresented at more senior levels. Disparities in the representation of men and women at senior levels also existed in the public sector and in education.

36. Although the possibility of introducing a quota system had frequently been discussed, it had encountered significant levels of opposition, including from some women who were concerned that such a system might change the way in which their achievements were viewed. In order to change attitudes to the idea of quotas, efforts were being made to draw attention to the fact that they had already been used for other purposes, such as to restrict the number of candidates from Bangkok and surrounding areas who could apply to study at regional universities. A change had been made to the Constitution to ensure that any setting of quotas in the future would not violate the Constitution. In the area of politics, a draft organic law on political parties, which was pending approval by the parliament, provided that political parties must take gender-equality goals into account when selecting and fielding candidates.

37. **Mr. Suadsong** (Thailand) said that, since 2009, the Royal Police Cadet Academy had admitted 70 women every year. To date, 620 women police officers had graduated from the Academy and were working at police stations all around the country. Opportunities for women to take leadership positions in police units had increased. The highest rank attained by women police officers to date was that of captain. The number of women police generals had increased to 17 out of a national total of 507 and some generals had been appointed as commanders. Furthermore, 295 out of a total of 3,200 police superintendents were women. Police generals were appointed on merit and men and women candidates were given equal consideration.

38. **Mr. Wongkraisrithong** (Thailand) said that some 4,000 out of a national total of 70,000 village chiefs were women. The representation of women in public life had increased in recent years following the implementation by the Government of a mechanism to promote and enhance such representation. Women were encouraged to propose budget ceilings for village development projects and to become village chiefs. At a more senior level, the number of women chief administrators at the district level was also increasing.

39. **Ms. Gabr** said that, despite the progress that the State party had made in enhancing women's human rights, further efforts were needed to eliminate stereotypes about women's role in society and family life and end domestic violence. She would welcome information on the outcome of the various projects and programmes aimed at challenging gender stereotypes. Examples of the role played by the media and civil society in that regard and the types of support provided by the Government to non-governmental organizations (NGOs) that worked towards that end would be appreciated. It would be useful to have details of any impact assessment of the Women's Development Plan for the period 2012-2016 and its outcome.

40. She asked what measures were being taken to end persistent harmful practices such as bride kidnapping, polygamy and female genital mutilation and how the policies of the various women's organizations and mechanisms to combat such practices were coordinated. She wondered what role the main stakeholders played in the campaign to prevent violence against women and children and what specific measures had been implemented to support it. She wished to know whether the domestic-violence hotline was available throughout the country and what support was provided to shelters run by NGOs. It was not clear whether persons working in the justice system, including police officers, prosecutors and judges, received training in dealing with domestic violence. Noting that the Domestic Violence Victim Protection Act did not cover sexual harassment and allowed for mediation in cases of domestic violence, she asked whether the State party would consider amending the Act.

41. Lastly, she wished to know what steps were being taken to implement Security Council resolution 1325 (2000) on women and peace and security, to provide Muslim women in the southern border provinces with access to the formal justice system and to ensure that legal protection and social services were provided to members of the ethnic groups whose rights had been violated.

42. **Ms. Sirivejchapun** (Thailand) said that the parliamentary committee responsible for women's affairs was attempting to spread the message that stopping domestic violence was the responsibility not only of government agencies but also of the entire population. Although membership of the committee had previously been restricted to women, it was currently open to men, as men and women needed to work together to promote and protect women's human rights. In order to ensure that the message of the campaign to end violence against children and women would be heard throughout the year, the Government had launched the "New Gen Say No" campaign, which aimed to ensure that school and university students became involved in combatting violence against women.

43. **Ms. Paopramot** (Thailand) said that, according to information collected by the One Stop Crisis Centre, which operated under the Ministry of Social Development and Human Security, the domestic-violence hotline had received 1,092 reports of domestic violence from all over the country. In view of the fact that certain sectors of Thai society still considered domestic violence to be a private matter, it was necessary for the Government to continue its efforts to combat the problem. Between October 2016 and May 2017, 298 arrests had been made in response to 411 reports of violence against women and 828 arrests had been made in response to 1,093 reports of harassment. The Government was in the process of developing guidelines on preventing sexual harassment in the workplace. Furthermore, it was working continuously to ensure that domestic violence was seen as a serious offence and to raise women's awareness of sexual harassment through local and national events, brochures and media broadcasts.

44. The National Broadcasting and Telecommunication Commission had recently launched a campaign, entitled "Turn Off the Violence", with the aim of encouraging the public to report violent content in advertising. Section 60 of the Constitution stipulated that the National Broadcasting and Telecommunication Commission was required to allocate air time to public service broadcasting, which the Government intended to use to raise awareness of gender-equality issues.

45. **Ms. Chotikajan Tang** (Thailand) said that the Ministry of Justice had established mechanisms, such as a justice fund, to provide support to women victims of violence who wished to file complaints. In order to encourage Muslim women victims in the southern border provinces to come forward with complaints, it was necessary to help them to

overcome the social pressure that often prevented them from doing so. The Government was taking steps to ensure that Muslim women were aware of their rights and knew how to use the legal system to report cases of violence. Agencies in the southern border provinces had been established to provide intelligible legal advice and assistance to women who required it.

46. Since 2012, the Government had been gathering the views of stakeholders around the country with a view to producing a national strategy on the implementation of Security Council resolution 1325 (2000). A strategy had been developed that involved all relevant government agencies and aimed to cover protection, prevention, capacity-building, empowerment and the participation of women in conflict resolution. Specific steps had been taken to involve women in the implementation of the women and peace and security agenda in the southern border provinces. To that end, public forums had been established in schools and other public places to enable women to voice their concerns and find peaceful solutions to conflict. As a result, a network of Muslim women leaders had emerged that might eventually come to rally and empower other disadvantaged groups.

47. The Government had assigned a significant number of women peacekeepers to United Nations peacekeeping operations. In 2016, for example, 10 of the 24 peacekeepers that the Government had assigned to peacekeeping missions had been women, a significantly higher percentage than the global average. A police unit comprising 100 women police officers had been specially trained to be deployed to countries that required additional law enforcement. The Government would continue to promote the women and peace and security agenda in order to support peacekeeping operations and sustainable development around the world.

48. **Ms. Manalo** said that she wished to know whether the support provided by the One Stop Crisis Centres was available throughout the country. She asked how effective such centres had been in helping women victims of violence and whether they helped women to avoid being victimized more than once. Commending the State party on its implementation of the women and peace and security agenda and on its efforts to involve Thai women in peacekeeping operations, she asked whether the Government had implemented any programme to encourage women colleagues in other States belonging to the Association of Southeast Asian Nations to participate in such operations.

49. **Ms. Schulz** said that, with regard to the efforts being made by the State party to tackle violence against women, she wished to know what steps were being taken to address the poor inter-agency coordination, the limited budget, the need for appropriately trained police officers, health-care staff, social workers and judges and the lack of clear definitions of crimes of violence against women in criminal law. It was essential that legislation on domestic violence should be extended to cover all members of a household and that sexual assault should be clearly defined in law. She wondered what steps had been taken to ensure that the adoption of the bill on the protection of family members' welfare, which was intended to prevent the break-up of families, would not have an adverse effect on efforts to combat violence against women.

50. **Ms. Vichit-Vadakan** (Thailand) said that the Government needed to step up its efforts to bring about a change in attitudes towards violence against women, in accordance with the Women's Development Plan. Although the Government did not have sufficient funds to use public broadcasting services to raise awareness of the issue, it was hoped that the change in the Constitution, mentioned earlier in the discussion, would enable public service broadcasts on the subject to be made within the next few years. Although it was possible that isolated cases of female genital mutilation took place, it was not a widespread problem in Thailand. The delegation would be grateful for any information on that issue that the Committee could provide.

51. **Mr. Suadsong** (Thailand) said that, with regard to the provision of witness protection programmes, separate facilities were available to ensure that victims could meet with police in a safe environment. The police service referred victims to the Ministry of Human Security and Social Development so that they could seek remedies, including financial remedies and health-care services. The Ministry of Justice was empowered to place victims on witness protection programmes. Since 2015, over 5,200 investigating

police officers, stationed all over the country, had received training in legislation concerning women and children. From 2015 to 2016, the number of women investigating officers had also been increased from 300 to over 420.

52. **Ms. Vichit-Vadakan** (Thailand) said that, although officially recognized, polygamy appeared to be on the decline. Extramarital affairs and the keeping of mistresses continued to occur, as such practices were engrained in Thai culture. A survey had been conducted in 2010, 2012 and 2013 and 2016 to gauge public attitudes towards gender equality and relations between men and women in general. Whereas the survey conducted in 2010 had shown there to be a high level of ambivalence towards gender equality, the survey conducted in 2016, which had targeted a larger sample group, had suggested that, in general, people were against polygamy and for the equitable division of household tasks between men and women, pointing to a gradual change in cultural attitudes.

53. **Ms. Gabr** said that the Committee had received information to the effect that, in Thailand, many Muslim girls were circumcised shortly after birth by local midwives or by gynaecologists in State hospitals. She recalled that female genital mutilation was a cultural phenomenon and not a requirement under sharia law. The State party should therefore take steps to criminalize it without delay.

54. **Ms. Manalo** said that the Committee had received reports that there had been an increase in the number of prosecutions brought under the country's lese-majesty laws and that they had been used to arrest protesters and perceived dissidents. She asked what measures the State party envisaged taking to prevent such abuses by the Royal Thai Police and whether both the civil and military courts were competent to rule on cases brought under those laws.

55. **Mr. Pukditanakul** (Thailand) said that, in Thailand, the civil court system and the military court system were completely separate. The military courts did not come under the jurisdiction of the civil courts. Ordinarily, the military courts were competent to try offences committed by military personnel in active service. However, the jurisdiction of the military courts could be extended to cover offences committed by civilians in times of war, armed conflict or under martial law, but only in exceptional circumstances.

56. **Ms. Gabr** said the Committee had been informed by alternative sources that Thailand remained a source, destination and transit country for women and children trafficked for the purpose of forced labour and sexual exploitation and that migrants in particular were at risk of falling victim to such crimes. Furthermore, the country's victim identification systems and referral mechanisms reportedly failed to meet the applicable international minimum standards and its shelters were allegedly unable to house all victims of trafficking owing to space constraints. Moreover, it appeared that no convictions for trafficking offences had been obtained over the past year. She asked whether the State party considered the information in the Committee's possession to be accurate and, if so, how the State party planned to remedy the shortcomings highlighted.

57. The Committee had also been given to understand that the root causes of human trafficking in Thailand included the erosion of the land rights and traditional livelihoods of indigenous peoples, a lack of appropriate educational opportunities for girls and the societal expectation for children to work, the persistence of customary practices that impeded women's empowerment, poor communication on the part of the Government, a lack of human trafficking prevention initiatives, the Government's perceived complicity in trafficking offences and a general misconception about what the crime of human trafficking involved. She asked whether the State party concurred that those factors lay at the root of the phenomenon and whether it considered the action plan to prevent and eradicate trafficking in women and girls adopted by the Ministry of Social Development and Human Security to have been effective. It would also be helpful to hear more about the amendments made to the Anti-Trafficking in Persons Act of 2008 and how they might contribute to the fight against impunity, to enhancing the protection available to victims of trafficking and to ensuring that traffickers and people smugglers were brought to justice.

58. The Committee was concerned that the alleged deficiencies in the State party's referral mechanisms would hamper its ability to differentiate between migrants who were attempting to enter the country unlawfully and migrants who had been trafficked. The

delegation might also comment on whether reports that a large number of migrant workers were fleeing the country on a daily basis were true. Nevertheless, the State party was to be commended on having granted Thai citizenship to stateless persons and legal residency to non-Thai and abandoned children.

59. Despite prostitution constituting a criminal offence under Thai law, it appeared that the activity was not considered unlawful in places of entertainment. She asked how the State party went about protecting women working as prostitutes in such places from sexual exploitation and ensuring that they benefited from the protection available to them under Thai labour legislation.

60. **Mr. Wannamethee** (Thailand) said that, in April 2015, the Prime Minister had declared the prevention and suppression of human trafficking to be a national priority and had instructed government agencies to use all means at their disposal to pursue and prosecute traffickers, including government officials. The budgetary resources allocated to the fight against human trafficking had been increased each year so as to bolster the activities undertaken in that connection. The Government had taken steps to expedite legal reforms and had tasked an ad hoc subcommittee with building the capacity of law enforcement agencies to prosecute trafficking offences, which, in turn, had served to expedite legal proceedings. In 2016, the Royal Thai Police had uncovered and investigated some 330 cases of human trafficking, while the Office of the Attorney-General had brought charges against suspected traffickers in some 300 cases. Some 270 persons had been convicted of trafficking offences in 2016, compared to some 200 in 2015. Since 2013, disciplinary action had been taken against 45 government officials, including 10 police officers in 2016. The Government had demonstrated its commitment to protecting groups that were vulnerable to trafficking and victims of that phenomenon by strengthening protection services and expanding the availability of care and rehabilitation services. It had also strengthened the legislative framework governing migrant workers in order to eradicate legal loopholes. The Government understood that it could not combat human trafficking in isolation and had thus sought to forge stronger partnerships with the private sector, international organizations and civil society.

61. **Ms. Paopramot** (Thailand) said that the Ministry of Social Development and Human Security had adopted short, medium and long-term measures to protect women and children against human trafficking. Its officials took steps to identify the groups that were most vulnerable to trafficking and the victims of that phenomenon, and, in cooperation with law enforcement agencies across the country, performed inspections of premises, including places of entertainment. Border areas were likewise subject to inspection. Moreover, the Ministry provided training to the officials of other ministries on human trafficking and encouraged them to play an active role in countering that scourge. The training in question also served to discourage government officials from using services when they suspected that the person providing them could be a victim of trafficking. The Ministry also had a duty to promote the implementation of anti-trafficking laws and had enlisted the help of the Thai media in that endeavour. Ministry officials were required to provide a progress report to the Prime Minister every three weeks.

62. **Mr. Thanghong** (Thailand) said that the rights, benefits and working conditions of women employed in places of entertainment, which were the same as those enjoyed by women employed in other sectors, were protected by the Labour Protection Act, the Social Security Act and other related labour laws. Persons working in the informal economy could take out social security insurance and claim the benefits provided for under the Social Security Act. Employers in the entertainment sector could lawfully hire unskilled migrant workers, in addition to actors, singers and musicians from abroad, in the circumstances provided for by law. The Government recognized that migrant workers were at risk of falling victim to human trafficking and was endeavouring to register and grant a temporary status to as many undocumented migrant workers as possible to enable them to remain in the country, at least provisionally. To date, some 1.6 million migrant workers had been registered.

63. Furthermore, the Ministry of Labour had signed bilateral agreements with neighbouring countries such as Viet Nam, Cambodia and Myanmar in order to promote safe and orderly labour migration in the region. To date, some 1.3 million migrant workers

had entered Thailand under those agreements. All migrant workers who completed the registration process or who entered the country under such an agreement and were lawfully employed were protected by Thai labour law. A new royal decree governing foreign workers was due to enter into force in July 2017. The aim of the decree was to promote and encourage safe migration and the lawful employment of migrant workers. It was hoped that it would contribute to the fight against human trafficking and unlawful employment and help to safeguard the employment rights of migrant workers.

64. **Mr. Suadsong** (Thailand) said that the Ministry of Justice and the Royal Thai Police had developed a handbook on witness protection with the aim of harmonizing the practices of the law enforcement agencies. The handbook was due to be published in September 2017.

65. **Ms. Gabr** said that, despite the advances that the State party had made in the fight against human trafficking, it remained on the Tier 2 Watch List of the Department of State of the United States.

66. **Ms. Manalo**, noting that the State party had not signed the Convention Relating to the Status of Refugees, asked what progress it had made in assisting stateless women and children and how it went about preventing statelessness in general. It would also be useful to know why the State party had yet to take any action on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. She drew the delegation's attention to the Committee's general recommendation No. 26 on the rights of female migrant workers (CEDAW/C/2009/WP.1/R).

67. The Committee had also received reports that women working in the entertainment sector, regardless of whether they worked as prostitutes, were often arrested and held by the Royal Thai Police following raids and were subsequently denied legal aid. She would like to receive information on the protection available to women in that situation under Thai law.

68. **Ms. Schulz** said that the Committee had learned from alternative sources that female sex workers employed by legally registered enterprises were often the victims of violent raids and entrapment operations conducted by the Royal Thai Police, in violation of the Criminal Code. Those women were at permanent risk of being accused of engaging in unlawful activities and did not benefit from the principle of the presumption of innocence. It was also her understanding that those women did not in fact have access to social benefits or enjoy the protection provided for under Thai labour law. The Committee had also been informed that the persistence of gender bias and corruption within the Royal Thai Police often prevented those women from gaining access to justice. Furthermore, female sex workers were reportedly extorted by corrupt police officials and deprived of a large portion of their income on a regular basis. She asked whether the State party intended to suspend the enforcement of the Prevention and Suppression of Prostitution Act of 1996 in legally registered enterprises and to order the cessation of violent raids and entrapment operations. She would also welcome information on the number of cases brought by female sex workers against their employers for violations of Thai labour law. How did the State party intend to protect female sex workers from extortion at the hands of corrupt police officers? Did it plan to extend the rights, benefits and protections currently available to migrant workers to sex workers in the entertainment sector? Had it considered clarifying the definition of exploitation of prostitution? The delegation might also provide information on the prevalence of trafficking in women for purposes other than sexual exploitation.

69. **Ms. Sirivejchapun** (Thailand) said that the revised Anti-Trafficking in Persons Act had been adopted by the parliament in December 2016 and had entered into force in 2017. The Act had been revised to provide greater protection against child labour, which was often linked to human trafficking. The revised Act prohibited the employment of children under the age of 15 in arduous or hazardous work and provided for safeguards against sexual and other forms of exploitation.

70. **Mr. Suadsong** (Thailand) said that the Royal Thai Police did not authorize or condone unlawful raids or entrapment operations and investigated any allegations of misconduct by police officers.

71. **Ms. Vichit-Vadakan** (Thailand) said that the question of whether to legalize or criminalize prostitution was the subject of much debate in Thailand. The Government's

priority was to protect sex workers from exploitation. Under the new Constitution, any new legislation would have to be the subject of a public consultation. It was her understanding that sex workers or other persons who were employed full-time in the entertainment sector were entitled to receive social security benefits. However, some sex workers were not employed on a full-time basis and therefore struggled to receive those benefits, irrespective of their entitlements under Thai labour law.

72. **Ms. Schulz** asked whether, in Thailand, persons had to be full-time employees to benefit from the protections afforded under labour and social security laws.

The meeting rose at 1 p.m.